

XXVIII GENERAL ASSEMBLY.

SENATE—MORNING SESSION.

THURSDAY, January 21.

Senator Phelan, from St. Louis Delegation, reported adversely on Senate bill requiring the appointment of deputy marshal of the St. Louis police court, to receive the approval of the Police Justice. Indefinitely postponed.

Senator Phelan, from committee on Banks and Corporations, reported a substitute to bill amending act incorporating the town of Cape Girardeau. The substitute agreed to and passed.

The bill reduces the limits of the city, excluding from them certain out lots, cultivated farms, and vineyards.

Senator Gatewood presented the petition of the citizens of Louisiana for the extension of the charter of T. F. Longan to exclusive ferry privilege. Also remonstrance against the same.

Referred to committee on Judiciary.

Senator Rubey, from committee on Education, reported a substitute so amending the school law, that at the election of a county school commissioner on the first Tuesday of April, special districts may participate. Passed.

Senator Brace, chairman of committee on Ways and Means, reported adversely on Senate bill repealing the provision of the general law by which personal property may be held for taxes on real property, and providing that real property shall be held for real taxes and personal property held for taxes on same.

Laid over informally.

Senator Terry, from committee on Criminal Jurisprudence, reported favorably on bill amending law regulating sale of liquors by druggists providing that they shall not sell liquor in quantities less than a pint, instead of a gallon, without a dram-shop license.

Senator Phelan offered an amendment striking out one pint and inserting one quart.

Made special order for Tuesday at 10 o'clock.

Senator Terry, from committee on Criminal Jurisprudence, reported back Senate bill amending the election law and prescribing the forms of election tickets, with amendments.

The bill provides that ballots shall be written or printed on white paper, shall have no device printed on them nor any writing or printing on them except the person voted for and the office for which he is a candidate.

The first amendment providing that each ballot shall have a blank margin of at least one and a half inches.

Laid over informally.

Senator Young called up House bill amending and explaining the act staying penalty for non payment of taxes, which was referred to Committee on Ways and Means.

Adjourned.

SENATE—AFTERNOON SESSION.

On motion of Senator Williams the bill, prescribing the form of election tickets, was referred to the St. Louis Delegation.

THE SPECIAL ORDER

being Senate bill, authorizing courts of equity to correct the errors and reform the deeds of husband and wife conveying the property of the wife, the same as conveyances of the property of other persons, was taken up.

It was explained by Senator Strother that a married woman had no power to make a conveyance except in strict conformity with statute, and that equity courts could not cure defects arising in the exercise of a statutory power.

Senator Williams offered an amendment providing that the act should not interfere with vested rights of purchasers, nor authorize courts to cure defective acknowledgment. Amendment lost.

Bill ordered to engrossment for the third reading to-morrow.

Senator Belch introduced a bill in relation to practice in civil cases in relation to taking cases to the Supreme Court.

Referred to Committee on Judiciary.

Senator Strother, from Committee on Judiciary, reported adversely on bill that the statute of limitations run on foreign paper the same provided by law in the State where such paper or contract was made. Indefinitely postponed.

Senator Terry, from Committee on Criminal Jurisprudence, reported in favor of an amendment to the law providing for registration of physicians, enabling those who were absent when registration was completed to register now upon proper affidavits. Passed.

Senator Ladue introduced a resolution giving joint committee to visit blind asylum a clerk. Lost.

Senator Rubey, from Committee on Education, reported favorably on bill to authorize the county clerks of the counties on the Iowa line in which fractional townships are situated and in which the 16th or school section is not located, and in lieu of which other lands have been selected, to certify those lands to the Register of Lands. Passed.

HOUSE BILLS

on the Secretary's desk were taken up and referred to appropriate committees.

House bill requiring Library to be kept open during day and from 7 to 10 in evening, was taken up and passed, after being amended so as to strike out provision giving exclusive use same to Judiciary Committees of both houses.

Senator Belch introduced a resolution authorizing Commissioner of Permanent Seat of Government to procure desks for the reporters of the Senate uniform with those furnished reporters of the House. Lost.

Adjourned.

HOUSE—MORNING SESSION.

THURSDAY, Jan. 21.

PETITIONS.

From citizens of Henry county that time for annual payment of taxes without compulsion, be fixed at April 1st.

From citizens of Henry county praying for allowance of claim of J. L. Cross for services as Assessor in 1863.

RESOLUTIONS OFFERED.

Mr. Shields. That Committee on Federal Relations be authorized to employ a clerk. Adopted.

Mr. Shields. That Auditor report list of Railroads which have and have not paid taxes, together with amounts paid and amounts due. Adopted.

Mr. Carter of Schuyler. That Committee on accounts enquire what sum of money is due T. Y. Reynolds for service on the first day of the Session, as Official Reporter.

Referred to Committee on Accounts.

Mr. Anthony. That a special committee of five be appointed to examine into accounts and vouchers of the State Department and Supreme Court, for sums drawn out of the several appropriations for the contingent expenses of the same, and report whether such appropriations cannot hereafter be reduced. Adopted.

The Chair appointed Messrs. Anthony, Berry, Carter of Schuyler, Rock and Adkins.

Mr. Bryan. That Committee on Roads and Highways examine, and if proper, report bill limiting term of days for which overseers may be paid, and reduce minimum tax to 2 1-2 cents on the \$100. Adopted.

Mr. Pettit. Granting leave from Friday noon to Committee on Blind Asylum to visit the same. Adopted.

Mr. McCullough. That Committee on Judiciary examine into and report by bill, if expedient, repealing Statute authorizing Municipal corporations to take or subscribe stock for the building of Railroads. Adopted.

Mr. Adkins. That Committee on Ways and Means consider amendment to Revenue law providing for reduction of debts due on real estate when listing the same for assessment. Adopted.

Messrs. Carter, Titman, Bryan and McClelland announced as special committee on rooms for committees.

BILLS INTRODUCED.

Mr. McClelland, for relief of Wm. Young, Sheriff of Lafayette county, appropriating \$715.75.

Referred to Committee on Claims.

Mr. Anthony, for relief of T. Z. Packer, collector of Madison county, on account of publishing delinquent list of said county.

Referred to Committee on Claims.

Mr. Relfe, amending Sec 9 of Revenue law limiting and defining the powers of the Board of Equalization.

Referred to Committee on Ways and Means.

Mr. Turner, repealing an act amending the charter of Palmyra; also bill amending charter of Palmyra.

Referred to Committee on Local Bills.

Mr. McDaniel, regulating passenger fare on Railroads.

Referred to Committee on Banks and Corporations.

This bill fixes passenger fare at 3 1-2 cents per mile, and makes any violation a felony punishable by imprisonment in the penitentiary for not less than one, nor more than five years.

Mr. Folsom, authorizing county court of Miller county to appropriate Road and Canal, and Internal Improvement funds to the building of a Court House.

Referred to Committee on Local Bills.

Mr. Ford, amending charter Savannah.

Referred to Committee on Local Bills.

Mr. Ranney, repealing act of March 14, 1866, concerning publication of legal notices.

Referred to Committee on Judiciary.

Mr. McLeod, repealing chapter 4 Wagner's Statutes concerning State Board of Agriculture.

Referred to Committee on Agriculture.

Mr. Redmond, abolishing State Board of Agriculture.

Referred to Committee on Agriculture.

Mr. Carter, authorizing court of Schuyler county to appropriate several Railroad and Interest funds.

Referred to Committee on Local Bills.

Mr. Gardner, repealing law providing for summoning grand and petit jurors, and providing for same.

Referred to Committee on Judiciary.

Mr. Barrett, amending same law.

Mr. Hall of Vernon, to amend Revenue law.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

Referred to Committee on Ways and Means.

tained by law shall be paid to deputy clerks.

Made the special order for Wednesday next, at 11 a. m.

Same—Resolutions to add to Committee on Deaf and Dumb and Blind Asylums reported adversely, and reports agreed to. Adjourned.

HOUSE—AFTERNOON SESSION.

Mr. McClelland called up the resolutions of protest against the passage of what is known as the Washburne bill, authorizing U. S. courts to enforce their judgments.

Mr. McClelland advocated their passage.

Mr. Hudson, of St. Louis, opposed them on the ground that they indicated a spirit of repudiation.

Mr. Givens proceeded to give a history of the counties sued in U. S. courts and judgments obtained on fraudulent bonds. The remedy was in State courts by mandamus. The bill in Congress proposed to give powers to commissioners, authorizing them to levy and collect taxes where judgments could not be enforced through State processes. He desired the resolutions passed.

Mr. Brown was glad to hear the explanation made by Mr. Givens. The resolutions on their face expressed nothing tangible, and it was evident there was a covert design, and that design repudiation. It was a strange idea to assert that a court may have power to enter up judgments and yet shall not have power to enforce the same. Counties had been defrauded in some cases, but he knew that there were those in some counties who had been most active in obtaining the issue of these bonds that had said we will sell the bonds and get the railroad and then we will interpose some technicality or legal objection and defeat their payment. Some counties had repudiated their obligations, but as yet the credit of the State had not been affected or disturbed.

Mr. McClelland disavowed the idea of a covert intent of repudiation. A large majority of overburdened citizens of his county desired and would pay all their just debts.

Mr. Post analyzed the resolutions, showing that the House proposed acting on something they did not know anything about. They assumed a state of facts not known to any members on the floor. He desired to act intelligently.

Mr. Jones, Callaway, was very indignant about this clap-trap about repudiation, reflecting as usual on the Federal government, and declared no honest debt would ever be repudiated.

Mr. Morehead could see no idea of repudiation and favored the resolutions.

Mr. Titman, as a member of the Committee on Federal Relations, had not been consulted as to them. There might be five present on the floor who have seen the bill referred to, but a majority had not. So far as he understood the question his views coincided with those of Mr. Brown. A court should have power to enforce its judgments.

Mr. Rittenhouse said there was nothing objectionable in the resolutions. The Federal courts did have power to enforce its judgment.

Mr. Phelps argued that the United States courts possessed sufficient power, and if it came to that he was more in favor of repudiation than starvation. He referred to Justice Clifford as having \$150,000 in western bonds and influenced accordingly.

Mr. Cahill favored the resolutions.

Mr. Murray moved to postpone the question till to-morrow at 2 o'clock p. m.

Mr. McClelland insisted on immediate action.

Mr. McDonald told how his county had been defrauded by an act of legislation.

Mr. Hudson, of St. Louis, wanted the argument to proceed on the ground stated in the resolutions, and the vote to be taken accordingly.

Mr. Hutchins hated to act on these resolutions now. He was one of the original States Rights men. But we should go slow. He had telegraphed one of our Senators for a copy of the bill and it could not do any injury to delay, and we might save ourselves from appearing ridiculous. The bill, as he understood it, was simply to provide for the Supreme Court to enforce its decrees. What's the use of having a court if it can not enforce its judgments. Bonds had been obtained by fraud, but not altogether by parties holding them, there always had to be a thief inside the county. He would go as far as any to relieve the people. He had a notion this legislature could do something and was willing, with certain restrictions, to have the State come forward and assume the debt of these overburdened counties, but let us do nothing that would make us ridiculous or reflect on our respectability. Let us not make a drive as a mad bull against a red flag, but postpone this action until we could act intelligently.

The House refused to postpone the resolution. Ayes 76, noes 32.

Adjourned.

SENATE—MORNING SESSION.

FRIDAY, Jan. 22.

IN EXECUTIVE SESSION.

The Senate confirmed the appointment by the Governor, of Andrew Allison, of Kirksville, in place of Mr. DeFrance, and the re-appointment, of Geo. L. Osborne, of Louisiana, regents of the Normal School at Kirksville.

Resolution of Senator Terry referring the Governor's Inaugural to appropriate committees, was taken up and passed.

So much of the mileage as relates to Senatorial apportionment was referred to select committee of one from each Congressional District, to be appointed by the chair.

Senator Phelan, from Committee on Banks and Corporations, reported a substitute for bill amending charter of Macon City.

Passed. Senate Bill authorizing courts of equity to relieve age against ref-rm and correct mistakes of deeds of husband and wife to her separate real property.

Passed. Senator Brace, from Committee on Ways and Means, reported a substitute for Senate Bill authorizing county courts to loan out the funds that have accumulated in the hands of county treasurers, for interest and county railroad bonds arising from taxation therefor, the liability of the county for the pay of which is indisputable and litigation. The bill authorizes the loaning of the funds on unincumbered real property.

Mr. Rubey objected to the bill because it did not specify that the loans shall be recalled when the funds loaned shall be required for the purpose for which they were raised by taxation. He thought it better to invest these funds in United States or State bonds.

Senator Strother offered an amendment confining the moneys loaned to those collected for payment of interest on bonds in litigation, which was agreed to.

Senator Williams advocated the investment of these funds in State or United States bonds.

Bill re-committed.

On request of Senator Itner, Senator LaDue was substituted in his place to visit the Lunatic Asylums.

Senator Keller, from Committee on Agriculture, submitted a report stating as the reason the agricultural report had not been printed in German, that the Secretary had not prepared the copy, etc.

Adjourned.

SENATE—AFTERNOON SESSION.

Senator Strother, from the Committee on Judiciary, reported favorably on bill abolishing the Joplin court of common pleas. Passed.

Senator Abney, from the Committee on Printing, reported adversely on proposition to print Adjutant-General's report.

Senator Rubey, from Committee on Education, reported favorably on bill authorizing the school district of Macon City to fund its floating debt, and giving the school district the power to appoint its own school tax collector. Passed.

Senator Rubey introduced a bill in relation to homesteads.

Referred to Committee on Judiciary.

Senator Morrison introduced a bill abolishing the office of Prosecuting Attorney from Jan. 1st, 1877, and restoring the office of Circuit Attorney.

Referred to Committee on Judiciary.

Senator Morrison introduced a bill authorizing the Inspectors of the Penitentiary to build a branch prison.

Referred to Committee on Penitentiary.

Senator Brace introduced a bill authorizing the Committee on Permanent Seat of Government to provide the Committee on Ways and Means with a suitable room.

Senator Itner took occasion to indicate the necessity of putting the basement of the Capitol in condition. Adopted.

Senator Morrison introduced a bill amending act authorizing county courts to appoint additional justices.

Referred to Committee on Judiciary.

Senator Patterson introduced a bill amending the election law.

Referred to Committee on Judiciary.

Senator Mosby introduced a bill concerning justices of the peace.

Referred to Committee on Judiciary.

Senator Rubey introduced a bill authorizing counties to fund their indebtedness.

Senator McIntyre offered a resolution instructing the Committee on Penitentiary to inquire if the physician of the Penitentiary should not be made the sanitary officer of the prison.

Referred to Committee on Penitentiary.

Senator Paxton introduced a bill changing the time for taking the State census from 1876 to 1875.

Referred to Committee on Judiciary.

Senator Patterson introduced a bill amending statutes relating to witnesses.

Senator Patterson introduced a bill to regulate the issue of bonds in St. Louis.

Referred to Committee on Banks and Corporations.

Senator Strother, from Committee on Judiciary, reported back, with amendments, Senate bill for appointment of public guardians for the care of destitute orphans. Passed.

Adjourned till Monday at 10 A. M.

HOUSE—MORNING SESSION.

FRIDAY, Jan. 22.

Mr. Martin presented a memorial from the City Council of St. Louis with reference to the establishment of a State Hospital in that city.

Referred to Committee on Scientific and Benevolent Institutions.

RESOLUTIONS OFFERED.

Mr. McCullough. That Committee on Judiciary inquire into the expediency of Bill regulating price of freights on railroads, and report by bill or otherwise.—Adopted.

Mr. Spruill. That Committee inquire into the expediency of abolishing grand jury system of this State, and report by bill or otherwise.

Referred to Committee on Judiciary.

BILLS INTRODUCED.

Mr. Post. Amending statute concerning changes of venue, so that the same shall be granted where affidavit is made by two or more credible witnesses that judge is prejudiced.

Referred to Committee on Judiciary.

Mr. Quayle. Establishing court of common pleas at Moberly.

Referred to Committee on Judiciary.

LOCAL BILLS.

Mr. Hall, of Vernon, amending section 55, art. 2, chapter 87 of Wagner's Statutes.

Referred to Committee on Education.

Mr. Adkins, amending act establishing Probate court of Platte county.

Referred to Committee on Local Bills.

Mr. Snider, amending township organization law.

Mr. Johnson, to ascertain the indebtedness of Taney county.

Referred to Committee on Local Bills.

Mr. Relfe, requiring railroad taxes to be paid to county treasurer before August 1st.

Referred to Committee on Judiciary.

Mr. Berry, repealing law providing manner of summoning grand and petit jurors.

Referred to Committee on Judiciary.

Mr. Powell, amending act fixing fees of justices of the peace in counties having over 300,000 inhabitants.

Referred to Committee on Judiciary.

Mr. Ranney, amending statute concerning sales of Real estate by executors and administrators.

Referred to Committee on Judiciary.

Mr. Humphreys, to define and punish the crime of usury.

Referred to Committee on Criminal Jurisprudence.

Mr. Lew's, reorganizing Douglas county court.

Referred to Committee on Local Bills.

Mr. Chapman, amending act to contracts.